BASIC FACTS ABOUT TRADEMARKS

U.S. DEPARTMENT OF COMMERCE / Patent and Trademark Office

BASIC FACTS ABOUT TRADEMARKS

A TRADEMARK may be a word, symbol, design or combination word and design, a slogan or even a distinctive sound which identifies and distinguishes the goods or services of one party from those of another. Used to identify a service, it can be called a service mark. In general, throughout this pamphlet the term trademark will refer to both trademarks and service marks. Normally, a trademark for goods appears on the product or on its packaging, while a service mark is usually used in advertising to identify the owner's services.

A trademark is different from a copyright or a patent. A copyright gives protection for an artistic or literary work and a patent gives protection for an invention.

Unlike a copyright or patent, trademark rights can last indefinetely if the mark continues to perform a source-indicating function. The term of the Federal trademark registration is 10 years, with 10 year renewal terms. However, between the fifth and sixth year after the date of the registration, the registrant must file an affidavit stating the mark is currently in use in commerce. If no affidavit is filed, the registration will be cancelled.

Trademark rights arise from either (1) use of the mark, or (2) a bona fide intention to use a mark, along with the filing of an application to Federally register that mark on the Principal Register. A Federal trademark registration is not required in order for a trademark to be protected, and a trademark may be used without obtaining a registration.

Before a trademark owner may file an application for a Federal registration, the owner must either (1) use the mark on goods which are shipped or sold, or services which are rendered, in commerce regulated by Congress (e.g., interstate commerce or commerce between the U.S. and a foreign country), or (2) have a bona fide intention to use the mark in such commerce in relation to specific goods or services.

Revised November 1989

NOTICE: CHANGES IN THE LAW PERTAINING TO FEDERAL TRADEMARK REGISTRATION TAKE EFFECT ON NOVEMBER 16, 1989. THE INFORMATION CONTAINED HEREIN INCORPORATES THESE CHANGES.

BENEFITS OF REGISTRATION

WHILE Federal registration is not necessary for trademark protection, registration on the Principal Register does provide certain advantages:

1	The filing date of the application is a constructive date of first use of the mark in commerce (this gives registrant nationwide priority as of that date, except as to certain prior users or prior applicants);
2	The right to sue in Federal court for trademark infringement;
3	Recovery of profits, damages and costs in a Federal court infringement action and the possibility of treble damages and attorneys' fees;
4	Constructive notice of a claim of ownership (which eliminates a good faith defense for a party adopting the trademark subsequent to the registrant's date of registration);
5	The right to deposit the registration with Customs in order to stop the importation of goods bearing an infringing mark;
6	Prima facie evidence of the validity of the registration, registrant's ownership of the mark and of registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate;
7	The possibility of incontestability, in which case the registration constitutes conclusive evidence of the registrant's exclusive right, with certain limited exceptions, to use the registered mark in commerce;
8	Limited grounds for attacking a registration once it is five years old;
9	Availability of criminal penalties and treble damages in an action for counterfeiting a registered trademark;
10	A basis for filing trademark applications in foreign countries.

NOTICE

ONCE a Federal registration is issued, the registrant may give notice of registration by using the ® symbol, or the phrase "Registered in U.S. Patent and Trademark Office" or "Reg. U.S. Pat. & Tm. Off." Although registration symbols may not be

lawfully used prior to registration, many trademark owners use a TM or SM (if the mark identifies a service) symbol to indicate a claim of ownership, even if no Federal trademark application is pending.

THE REGISTRATION PROCESS

THE Patent and Trademark Office (PTO) is responsible for the Federal registration of trademarks. When an application is filed, it is reviewed to determine if it meets the requirements for receiving a filing date (see page 4). If the filing requirements are not met, the entire mailing, including the fee, is returned to the applicant. If the application meets the filing requirements, it is assigned a serial number, and the applicant is sent a filing receipt.

The first part of the registration process is a determination by the Trademark Examining Attorney as to whether the mark may be registered. An initial determination of registrability, listing any statutory grounds for refusal as well as any procedural informalities in the application, is issued about three months after filing. The applicant must respond to any objections raised within six months, or the application will be considered abandoned. If, after reviewing the applicant's response, the Examining Attorney makes a final refusal of registration, the applicant may appeal to the Trademark Trial and Appeal Board, an administrative tribunal within the PTO.

Once the Examining Attorney approves the mark, the mark will be published in the Trademark Official Gazette, a weekly publication of the PTO. Any other party then has 30 days to oppose the registration of the mark, or request an extension of time to oppose. An opposition is similar to a proceeding in the Federal district courts, but is held before the Trademark Trial and Appeal Board. If no opposition is filed, the application enters the next stage of the registration process.

If the mark published based upon its actual use in commerce, a registration will issue approximately 12 weeks from the date the mark was published.

If, instead, the mark published based upon applicant's statement of a bona fide intention to use the mark in commerce, a *notice of allowance* will issue approximately 12 weeks from the date the mark was published. The applicant then has six months from the date of the notice of allowance to either (1) use the mark in commerce and submit a *statement of use,* or (2) request a six-month *extension of time* to file a statement of use (see forms and instructions at back of booklet). The applicant may request additional extensions of time only as noted in the instructions on the back of the form.

STATUTORY GROUNDS FOR REFUSAL

THE Examining Attorney will refuse registration if the mark or term applied for:

1	Does not function as a trademark to identify the goods or services as coming from a particular source; for example, the matter applied for is merely ornamentation;
2	Is immoral, deceptive or scandalous;
3	May disparage or falsely suggest a connection with persons, institutions, beliefs or national symbols, or bring them into contempt or disrepute;
4	Consists of or simulates the flag or coat of arms or other insignia of the United States, or a State or municipality, or any foreign nation;
5	Is the name, portrait or signature of a particular living individual, unless he has given written consent; or is the name, signature or portrait of a deceased President of the United States during the life of his widow, unless she has given her consent;
6	So resembles a mark already registered in the PTO as to be likely, when used on or in connection with the goods of the applicant, to cause confusion, or to cause mistake, or to deceive;
7	Is merely descriptive or deceptively misdescriptive of the goods or services;
8	Is primarily geographically descriptive or deceptively misdescriptive of the goods or services of the applicant;
9	Is primarily merely a surname.

A mark will not be refused registration on the grounds listed in numbers 7, 8 and 9 if the applicant can show that, through use of the mark in commerce, the mark has become distinctive so that it now identifies to the public the applicant's goods or services. Marks which are refused registration on the grounds listed in numbers 1, 7, 8 and 9 may be registrable on the *Supplemental Register,* which contains terms or designs considered capable of distinguishing the owner's goods or services, but that do not yet do so. A term or design cannot be considered for registration on the *Supplemental Register* unless it is in use in commerce in relation to all the goods or services identified in the application,

and an acceptable allegation of use has been submitted. If a mark is registered on the *Supplemental Register,* the registrant may bring suit for trademark infringement in the Federal courts, or may use the registration as a basis for filing in some foreign countries. None of the other benefits of Federal registration listed on page 1 apply. An applicant may file an application on the *Principal Register* and, if appropriate, amend the application to the *Supplemental Register* for no additional fee.

TRADEMARK SEARCH LIBRARY

A RECORD of all active registrations and pending applications is maintained by the PTO to help determine whether a previously registered mark exists which could prevent the registration of an applicant's mark. (See ground for refusal No. 6, above.) The search library is located near Washington, D.C. at Crystal Plaza 2, 2nd Floor, 2011 Jefferson Davis Highway, Arlington, VA 22022, and is open to the public free of charge Monday through Friday, 8:00 am to 5:30 pm. The PTO cannot advise prospective applicants of the availability of a particular mark prior to the filing of an application. The applicant may hire a private search company or law firm to perform a search if a search is desired before filing an application and the applicant is unable to visit the search library. The PTO cannot recommend any such companies, but the applicant may wish to consult listings for "Trademark Search Services" in the telephone directories or contact local bar associations for a list of attorneys specializing in trademark law.

WHO MAY FILE AN APPLICATION

THE owners of marks may file and prosecute their own applications for registration, or be represented by an attorney. The Patent and Trademark Office cannot help select an attorney.

FILING REQUIREMENTS

AN application consists of (1) a written application form; (2) a drawing of the mark; (3) the required filing fee; and, *only if the application is filed based upon prior use of the mark in commerce,* (4) three specimens showing actual use of the mark on or in connection with the goods or services. A separate

application must be filed for each mark for which registration is requested.

Following is a description of each of these elements of a complete application. The written application form is the first form of four forms at the back of the booklet and is titled "Trademark/Service Mark Application, Principal Register, with Declaration." [The back page of the form is printed upside down so that it may be affixed to the application file at the top and still be easily read.]

1. Written Application Form

THE application must be written in English. The enclosed form may be used for either a trademark or service mark application. Additional forms may be photocopied. The following explanation covers each blank, beginning at the top.

Heading. Identify (a) the mark (e.g. "ERGO" or "ERGO and design") and (b) the class number(s) of the goods or services for which registration is sought. Classification is part of the PTO's administrative processing. The International Classification of Goods and Services is used (see inside back cover of this booklet). The class may be left blank if the appropriate class number is not known.

Applicant. The application must be filed in the name of the owner of the mark. Specify, if an individual, applicant's name and citizenship; if a partnership, the names and citizenship of the general partners and the domicile of the partnership; if a corporation or association, the name under which it is incorporated and the state or foreign nation under the laws of which it is organized. Also indicate the applicant's post office address.

Identification of Goods or Services. State briefly the specific goods or services for which the mark is used or intended to be used and for which registration is sought. Use clear and precise language, for example, "women's clothing namely, blouses and skirts," or "computer programs for use by accountants," or "retail food store services." Note that the identification of goods or services should describe the goods the applicant sells or the services the applicant renders, not the medium in which the mark appears, which is often advertising. "Advertising" in this context identifies a service rendered by advertising agencies. For example, a restaurateur would identify his service as "restaurant services," not "menus, signs, etc." which is the medium through which the mark is communicated.

Basis for Application. The applicant must check at least one of four boxes to specify the basis for filing the application. Usually an application is based upon either (1) prior use of the mark in commerce (the first box), or (2) a bona fide intention to use the mark in commerce (the second box), but not both. If both the first and

second boxes are checked, the Patent and Trademark Office will *not* accept the application and will return it to the applicant without processing.

The last two boxes pertain to applications filed in the United States pursuant to international agreements, based upon applications or registrations in foreign countries. These bases are asserted relatively infrequently. For further information about foreign-based applications, the applicant may call the trademark information number listed in this booklet or contact a private attorney.

If the applicant is using the mark in commerce in relation to all the goods or services listed in the application, check the first box and state each of the following:

- The date the trademark was first used anywhere in the U.S. on the goods, or in connection with the services, specified in the application;
- The date the trademark was first used on the specified goods, or in connection with the specified services, sold or shipped (or rendered) in a type of commerce which may be regulated by Congress;
- The type of commerce in which the goods were sold or shipped or services were rendered [for example, "interstate commerce" or "commerce between the United States and (specify foreign country)"]; and
- How the mark is used on the goods, or in connection with the services [for example, "the mark is used on labels which are affixed to the goods," or "the mark is used in advertisements for the services"].

If the applicant has a bona fide intention to use the mark in commerce in relation to the goods or services specified in the application, check the second box. This would include situations where the mark has not been used at all or where the mark has been used on the specified goods or services only within a single state (intrastate commerce).

Execution. The application form must be dated and signed. (See back of form.) The declaration and signature block appear on the back of the form. The Patent and Trademark Office will *not* accept an unsigned application and will return it to the applicant without processing. By signing the form, the applicant is swearing that all the information in the application is believed to be true. If the applicant is an individual, the individual must execute it; if joint applicants, all must execute; if a partnership, one general partner must execute the application; and if a corporation or association, one officer of the organization must execute the application.

2. Drawing

THE drawing is a representation of the mark as actually used or intended to be used on the goods or services. There are two types; (a) typed drawings and (b) special form drawings.

All drawings must be made upon pure white durable nonshiny paper 8½" wide by 11" long. One of the shorter sides of the sheet should be regarded as its top. There must be a margin of at least one inch on the sides and bottom of the paper and at least one inch between the drawing of the mark and the heading.

The *drawing* is different than the *specimens,* which are the actual tags or labels (for goods) or advertisements (for services) which evidence use of the mark in commerce. The *drawing* is a black and white, or typed, rendition of the mark which is used in printing the mark in the Official Gazette and on the registration certificate. A copy of the drawing is also filed in the paper records of the Trademark Search Library to provide notice of the pending application.

Heading. Across the top of the drawing, beginning one inch from the top edge and not exceeding one third of the sheet, list on separate lines:

- Applicant's name;
- Applicant's post office address;
- The goods or services specified in the application (or typical items of the goods or services if there are many goods or services listed);
- Only in an application based on use in commerce - the date of first use of the mark anywhere in the U.S. and the date of first use of the mark in commerce;
- Only in an application based on a foreign application - the filing date of the foreign application.

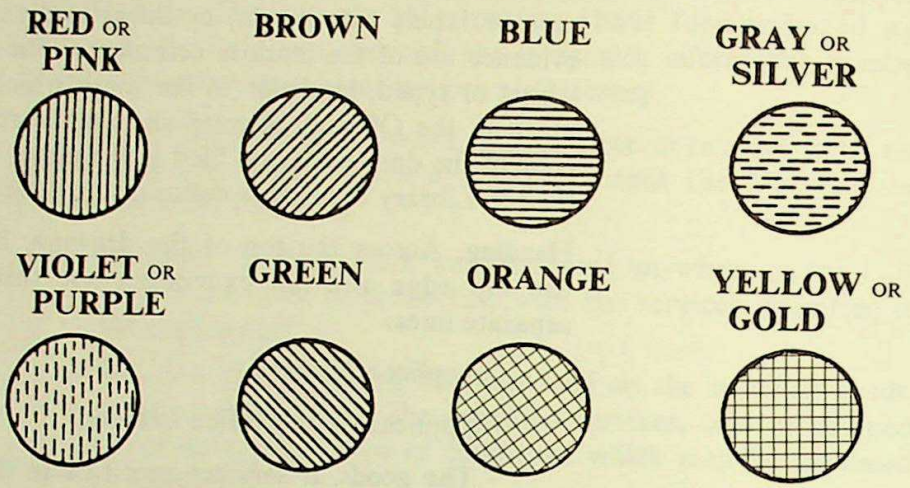
Typed drawing. If the mark is only words, or words and numerals, and the applicant does not wish the registration to be issued for a particular depiction of the words and/or numerals, the mark may be typed in capital letters in the center of the page.

Special form drawing. This form must be used if the applicant wishes the registration for the mark to be issued in a particular style, or if the mark contains a design element. The drawing of the mark must be done in black ink, either with an india ink pen or by a process which will give satisfactory reproduction characteristics. Every line and letter, including words, must be black. This applies to all lines, including lines used for shading. Half-tones and gray are not acceptable. All lines must be clean, sharp, and solid, and not be fine or crowded. A photolithographic reproduction, printer's proof or camera ready copy may be used if otherwise suitable. Photographs are not acceptable. Photocopies are acceptable only if they produce an unusually clear and sharp black and white rendering. The use of white pigment to cover lines is not acceptable.

The preferred size of the drawing of the mark is 2½" x 2½", and in no case may it be larger than 4" x 4". The Patent and Trademark Office will not accept an application with a special form drawing depicted larger than 4" by 4" and will return the application without processing. If the amount of detail in the mark precludes clear reduction to the required 4" x 4" size, such detail

should not be shown in the drawing but should be verbally described in the body of the application.

Where color is a feature of a mark, the color or colors may be designated in the drawing by the linings shown in the following chart:



3. Specimens (Examples of Use)

TRADEMARKS may be placed on the goods; on the container for the goods; on displays associated with the goods; on tags or labels attached to the goods; or, if the nature of the goods makes such placement impractical, then on documents associated with the goods or their sale. Service marks may appear in advertisements for the services, or in brochures about the services, or on business cards or stationary used in connection with the services.

For an application based on actual use of the mark in commerce, the applicant must furnish three examples of use, as described in the paragraph above, when the application is filed. The Patent and Trademark Office will not accept an application based on use in commerce without at least one "specimen" and will return it to the applicant without processing.

The three "specimens" may be identical or they may be examples of three different types of uses. The three specimens should be actual labels, tags, containers, displays, etc. for goods; and actual advertisements, brochures, store signs or stationary (if the nature of the services is clear from the letterhead or body of the letter), etc. for services. Specimens may not be larger than 8½" by 11" and must be capable of being arranged flat. Three-dimensional or bulky material is not acceptable. Photographs or other reproductions clearly and legibly showing the mark on the goods, or on displays associated with the goods, may be submitted if the manner of affixing the mark to the goods, or the nature of the goods, is such that specimens as described above cannot be submitted.

4. Filing Fee

THE fee, effective April 17, 1989, is $175 for each class of goods or services for which the application is made. (See International Classification of Goods and Services on inside back cover.) At least $175 must be submitted for the application to be given a filing date. All payments should be made in United States specie, treasury notes, national bank notes, post office money orders, or certified checks. Personal or business checks may be submitted. The Patent and Trademark Office will cancel credit if payment cannot be collected. Money orders and checks should be made payable to the Commissioner of Patents and Trademarks. Money sent by mail to the Patent and Trademark Office will be at the risk of the sender; letters containing cash should be registered. Remittances made from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Application fees are non-refundable.

FURTHER REQUIREMENTS FOR INTENT-TO-USE APPLICANTS

AN applicant who alleges only a bona fide intention to use a mark in commerce must make use of the mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with specimens evidencing use (see page 8) and a fee of $100 per class of goods or services in the application, either (1) an Amendment to Allege Use or (2) a Statement of Use. The difference between the two filings is the timing of the filing. Copies of each of these forms appear in the back of this booklet behind the application form. See the instructions and information concerning the filing of these forms on the back of each form.

Also in the back of this booklet is a form entitled "Request for Extension of Time under 37 CFR 2.89 to File a Statement of Use, with Declaration." This form is intended for use only when an applicant needs to request an extension of time to file a statement of use. See the instructions and information concerning the use of this form on the back of the form.

FOREIGN APPLICANTS

DOMESTIC REPRESENTATIVE. Applicants not living in the United States must designate by a written document the name and address of some person resident in the United States on whom notices of process in proceedings affecting the mark may be served. This person will also receive all official communications unless the applicant is represented by an attorney in the United States.

COMMUNICATIONS WITH THE PTO

THE application and all other communications should be addressed to "The Commissioner of Patents and Trademarks, Washington, D.C., 20231." It is preferred that the applicant indicate its telephone number on the application form. Once a serial number is assigned to the application the applicant should refer to this number in all telephone and written communications concerning the application.

ADDITIONAL INFORMATION

The Federal registration of trademarks is governed by the Trademark Act of 1946, 15 U.S.C. Sec. 1051 et seq.; the Rules, 37 C.F.R. Part 2; and the Trademark Manual of Examining Procedure.

General Trademark or Patent Information: (703) 557-INFO

Status Information for Particular Trademark Applications: (703) 557-5249

General Copyright Information: (202) 479-0700

TRADEMARK/SERVICE MARK APPLICATION, PRINCIPAL REGISTER, WITH DECLARATION

MARK (Identify the mark)

CLASS NO. (If known)

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

APPLICANT BUSINESS ADDRESS:

APPLICANT ENTITY: (Check one and supply requested information)

☐ Individual - Citizenship: (Country) _____

☐ Partnership - Partnership Domicile: (State and Country) _____
Names and Citizenship (Country) of General Partners: _____

_____

☐ Corporation - State (Country, if appropriate) of Incorporation: _____

☐ Other: (Specify Nature of Entity and Domicile) _____

_____

GOODS AND/OR SERVICES:

Applicant requests registration of the above-identified trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended.) for the following goods/services: _____

_____

_____

BASIS FOR APPLICATION: (Check one or more, but NOT both the first AND second boxes, and supply requested information)

☐ Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark anywhere: _____
- Date of first use of the mark in commerce which the U.S. Congress may regulate: _____
- Specify the type of commerce: _____
  (e.g., interstate, between the U.S. and a specified foreign country)
- Specify manner or mode of use of mark on or in connection with the goods/services: _____

_____
(e.g., trademark is applied to labels, service mark is used in advertisements)

☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

- Specify intended manner or mode of use of mark on or in connection with the goods/services: _____

_____
(e.g., trademark will be applied to labels, service mark will be used in advertisements)

☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services, and asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.

- Country of foreign filing: _____ • Date of foreign filing: _____

☐ Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services and, accompanying this application, submits a certification or certified copy of a foreign registration in accordance with 15 U.S.C. 1126(e), as amended.

- Country of registration: _____ • Registration number: _____

Note: Declaration, on Reverse Side, MUST be Signed

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Date	Signature
Telephone Number	Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

To receive a filing date, the application must be completed and **signed by the applicant** and submitted along with:

1. The prescribed fee for each class of goods/services listed in the application;
2. A drawing of the mark in conformance with 37 CFR 2.52;
3. If the application is based on use of the mark in commerce, three (3) specimens (evidence) of the mark as used in commerce for each class of goods/services listed in the application. All three specimens may be the same and may be in the nature of: (a) labels showing the mark which are placed on the goods; (b) a photograph of the mark as it appears on the goods, (c) brochures or advertisements showing the mark as used in connection with the services.

Verification of the application - The application must be signed in order for the application to receive a filing date. Only the following person may sign the verification (Declaration) for the application, depending on the applicant's legal entity: (1) the individual applicant; (b) an officer of the corporate applicant; (c) one general partner of a partnership applicant; (d) all joint applicants.

Additional information concerning the requirements for filing an application are available in a booklet entitled **Basic Facts about Trademarks**, which may be obtained by writing:

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
Washington, D.C. 20231

Or by calling: (703) 557-INFO

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

AMENDMENT TO ALLEGE USE UNDER 37 CFR 2.76, WITH DECLARATION

MARK (Identify the mark)

SERIAL NO.

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). Three specimens showing the mark as used in commerce are submitted with this amendment.

☐ Check here if Request to Divide under 37 CFR 2.87 is being submitted with this amendment.

Applicant is using the mark in commerce on or in connection with the following goods/services:

_____

_____

(NOTE: Goods/services listed above may not be broader than the goods/services identified in the application as filed)

Date of first use of mark anywhere: _____

Date of first use of mark in commerce which the U.S. Congress may regulate: _____

Specify type of commerce: (e.g., interstate, between the U.S. and a specified foreign country) _____

_____

Specify manner or mode of use of mark on or in connection with the goods/services: (e.g., trademark is applied to labels, service mark is used in advertisements) _____

_____

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Amendment to Allege Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/ service mark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ _____

Date Signature

_____ _____

Telephone Number Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), **either**:

(1) an Amendment to Allege Use under 37 CFR 2.76, or
(2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the **Official Gazette**, or, if a final refusal has been issued, prior to the expiration of the six month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the **Official Gazette** and the issuance of the Notice of Allowance.

Applicant may call (703) 557-5249 to determine whether the mark has been approved for publication for opposition in the **Official Gazette.**

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with **all** of the goods/services for which applicant will seek registration, **unless** applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant **must** submit with an Amendment to Allege Use or a Statement of Use:

(1) the appropriate fee of $100 per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and

(2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Amendment to Allege Use form:

(1) The goods/services identified in the Amendment to Allege Use must be within the scope of the goods/services identified in the application as filed. Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.

(2) Applicant may list dates of use for only one item in each class of goods/services identified in the Amendment to Allege Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.

(3) Only the following person may sign the verification of the Amendment to Allege Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

STATEMENT OF USE UNDER 37 CFR 2.88, WITH DECLARATION

MARK (Identify the mark)

SERIAL NO.

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

NOTICE OF ALLOWANCE ISSUE DATE:

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended). Three (3) specimens showing the mark as used in commerce are submitted with this statement.

☐ Check here only if a Request to Divide under 37 CFR 2.87 is being submitted with this Statement.

Applicant is using the mark in commerce on or in connection with the following goods/services: (Check One)

☐ Those goods/services identified in the Notice of Allowance in this application.

☐ Those goods/services identified in the Notice of Allowance in this application except: (Identify goods/services to be deleted from application) _____

_____

_____

Date of first use of mark anywhere: _____

Date of first use of mark in commerce which the U.S. Congress may regulate: _____

Specify type of commerce: (e.g., interstate, between the U.S. and a specified foreign country) _____

_____

Specify manner or mode of use of mark on or in connection with the goods/services: (e.g., trademark is applied to labels, service mark is used in advertisements) _____

_____

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; the trademark/service mark is now in use in commerce; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ Date

_____ Signature

_____ Telephone Number

_____ Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

In an application based upon a bona fide intention to use a mark in commerce, applicant must use its mark in commerce before a registration will be issued. After use begins, the applicant must submit, along with evidence of use (specimens) and the prescribed fee(s), **either**:

(1) an Amendment to Allege Use under 37 CFR 2.76, or
(2) a Statement of Use under 37 CFR 2.88.

The difference between these two filings is the timing of the filing. Applicant may file an Amendment to Allege Use before approval of the mark for publication for opposition in the **Official Gazette**, or, if a final refusal has been issued, prior to the expiration of the six month response period. Otherwise, applicant must file a Statement of Use after the Office issues a Notice of Allowance. The Notice of Allowance will issue after the opposition period is completed if no successful opposition is filed. Neither Amendment to Allege Use or Statement of Use papers will be accepted by the Office during the period of time between approval of the mark for publication for opposition in the **Official Gazette** and the issuance of the Notice of Allowance.

Applicant may call (703) 557-5249 to determine whether the mark has been approved for publication for opposition in the **Official Gazette.**

Before filing an Amendment to Allege Use or a Statement of Use, applicant must use the mark in commerce on or in connection with **all** of the goods/services for which applicant will seek registration, **unless** applicant submits with the papers, a request to divide out from the application the goods or services to which the Amendment to Allege Use or Statement of Use pertains. (See: 37 CFR 2.87, Dividing an application)

Applicant **must** submit with an Amendment to Allege Use or a Statement of Use:

(1) the appropriate fee of $100 per class of goods/services listed in the Amendment to Allege Use or the Statement of Use, and

(2) three (3) specimens or facsimiles of the mark as used in commerce for each class of goods/services asserted (e.g., photograph of mark as it appears on goods, label containing mark which is placed on goods, or brochure or advertisement showing mark as used in connection with services).

Cautions/Notes concerning completion of this Statement of Use form:

(1) The goods/services identified in the Statement of Use must be identical to the goods/services identified in the Notice of Allowance. Applicant may delete goods/services. Deleted goods/services may not be reinstated in the application at a later time.

(2) Applicant may list dates of use for only one item in each class of goods/services identified in the Statement of Use. However, applicant must have used the mark in commerce on all the goods/services in the class. Applicant must identify the particular item to which the dates apply.

(3) Only the following person may sign the verification of the Statement of Use, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

REQUEST FOR EXTENSION OF TIME UNDER 37 CFR 2.89 TO FILE A STATEMENT OF USE, WITH DECLARATION	MARK (Identify the mark)
	SERIAL NO.

TO THE ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS:

APPLICANT NAME:

NOTICE OF ALLOWANCE MAILING DATE:

Applicant requests a six-month extension of time to file the Statement of Use under 37 CFR 2.88 in this application.

☐ Check here if a Request to Divide under 37 CFR 2.87 is being submitted with this request.

Applicant has a continued bona fide intention to use the mark in commerce in connection with the following goods/services: (Check one below)

☐ Those goods/services identified in the Notice of Allowance in this application.

☐ Those goods/services identified in the Notice of Allowance in this application except: (Identify goods/services to be **deleted** from application) _____

_____

This is the _____ request for an Extension of Time following mailing of the Notice of Allowance.
(Specify first - fifth)

If this is not the first request for an Extension of Time, check one box below. If the first box is checked, explain the circumstance(s) of the non-use in the space provided:

☐ Applicant has not used the mark in commerce yet on all goods/services specified in the Notice of Allowance; however, applicant has made the following ongoing efforts to use the mark in commerce on or in connection with each of the goods/services specified above:

_____

_____

If additional space is needed, please attach a separate sheet to this form

☐ Applicant believes that it has made valid use of the mark in commerce, as evidenced by the Statement of Use submitted with this request; however, if the Statement of Use is found by the Patent and Trademark Office to be fatally defective, applicant will need additional time in which to file a new statement.

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this Request for Extension of Time to File a Statement of Use on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered; and all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

_____ _____

Date Signature

_____ _____

Telephone Number Print or Type Name and Position

INSTRUCTIONS AND INFORMATION FOR APPLICANT

Applicant must file a Statement of Use within six months after the mailing of the Notice of Allowance in an application based upon a bona fide intention to use a mark in commerce, UNLESS, within that same period, applicant submits a request for a six-month extension of time to file the Statement of Use. The request **must**:

(1) be in writing,
(2) include applicant's verified statement of continued bona fide intention to use the mark in commerce,
(3) specify the goods/services to which the request pertains as they are identified in the Notice of Allowance, and
(4) include a fee of $100 for each class of goods/services.

Applicant may request four further six-month extensions of time. No extension may extend beyond 36 months from the issue date of the Notice of Allowance. Each request must be filed within the previously granted six-month extension period and must include, in addition to the above requirements, a showing of **GOOD CAUSE**. This good cause showing must include:

(1) applicant's statement that the mark has not been used in commerce yet on all the goods or services specified in the Notice of Allowance with which applicant has a continued bona fide intention to use the mark in commerce, **and**

(2) applicant's statement of ongoing efforts to make such use, which may include the following: (a) product or service research or development, (b) market research, (c) promotional activities, (d) steps to acquire distributors, (e) steps to obtain required governmental approval, or (f) similar specified activity .

Applicant may submit one additional six-month extension request during the existing period in which applicant files the Statement of Use, unless the granting of this request would extend beyond 36 months from the issue date of the Notice of Allowance. As a showing of good cause, applicant should state its belief that applicant has made valid use of the mark in commerce, as evidenced by the submitted Statement of Use, but that if the Statement is found by the PTO to be defective, applicant will need additional time in which to file a new statement of use.

Only the following person may sign the verification of the Request for Extentsion of Time, depending on the applicant's legal entity: (a) the individual applicant; (b) an officer of corporate applicant; (c) one general partner of partnership applicant; (d) all joint applicants.

This form is estimated to take 15 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you require to complete this form should be sent to the Office of Management and Organization, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C., 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

Notes

Notes

International schedule of classes of goods and services

Goods

1 Chemicals products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; natural resins; metals in foil and powder form for painters and decorators.

3 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4 Industrial oils and greases (other than oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights and wicks.

5 Pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax, disinfectants; preparations for killing weeds and destroying vermin.

6 Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (nonelectric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in nonprecious metal not included in other classes; ores.

7 Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators.

8 Hand tools and instruments; cutlery, forks, and spoons; side arms.

9 Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counterfreed apparatus; talking machines; cash registers; calculating machines; fire extinguishing apparatus.

10 Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes and teeth).

11 Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.

12 Vehicles; apparatus for locomotion by land, air or water.

13 Firearms; ammunition and projectiles; explosive substances; fireworks.

14 Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewelry, precious stones, horological and other chronometric instruments.

15 Musical instruments (other than talking machines and wireless apparatus).

16 Paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and cliches (stereotype).

17 Gutta percha, india rubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture; materials for packing, stopping or insulating, asbestos, mica and their products; hose pipes (nonmetallic).

18 Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19 Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; roadmaking materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.

20 Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.

21 Small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges; brushes (other than paint brushes); brushmaking materials; instruments and material for cleaning purposes, steel wool; unworked or semi-worked glass (excluding glass used in building); glassware, porcelain and earthenware, not included in other classes.

22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

23 Yarns, threads.

24 Tissues (piece goods); bed and table covers; textile articles not included in other classes.

25 Clothing, including boots, shoes and slippers.

26 Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27 Carpets, rugs, mats and matting; linoleums and other materials for covering existing floors; wall hangings (nontextile).

28 Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29 Meats, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

30 Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard, pepper, vinegar, sauces, spices; ice.

31 Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

32 Beer, ale and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages.

33 Wines, spirits and liqueurs.

34 Tobacco, raw or manufactured; smokers' articles; matches.

Services

35 Advertising and business.

36 Insurance and financial.

37 Construction and repair.

38 Communication.

39 Transportation and storage.

40 Material treatment.

41 Education and entertainment.

42 Miscellaneous.

U.S. Department of Commerce
Patent and Trademark Office
Washington, D.C. 20231

If Undelivered Return in Ten Days

Official Business
Penalty for Private Use, $300

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF COMMERCE
COM-212

QUICK REFERENCE GUIDE TO THE REGISTRATION PROCESS

The application will receive a filing date, enter pre-examination processing, and the application data will be entered into Trademark computers upon receipt of all the information set forth as a filing requirement.

The application will be forwarded to an Examining Attorney in the Trademark Office who will review the application for compliance with the various provisions of the Trademark Act. If the Examining Attorney discovers any problems, a letter will be sent to the applicant to which the applicant will have six months to respond. If no problems are discovered, or if the applicant takes care of any problems in the response to the Examining Attorney's letter, the application will be approved for publication for opposition.

The mark shown in the application and all pertinent information will be published in the **Trademark Official Gazette**. During the following thirty (30) days, anyone who believes that they may be harmed by registration of the mark may file a proceeding at the Trademark Trial and Appeal Board to oppose registration of the mark.

NOTE: Copies of the **Trademark Official Gazette** may be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A prepaid fee of $9.50 is required. For more information, please call (202) 783-3238

After the mark has been published in the **Trademark Official Gazette**, and if no opposition has been filed, the Patent and Trademark Office will:

For applications based on "use in commerce" or a foreign registration

ISSUE A CERTIFICATE OF REGISTRATION

For applications based on a *bona fide* intention to use the mark in commerce

> Issue a Notice of Allowance

> Applicant will have six months to begin use in commerce and file a Statement of Use, OR

> Applicant may, upon written request, extend the period to begin use for another six months.

> Further six month extensions will be granted for "good cause" not to exceed 24 months

> The Statement of Use will be examined by an Examining Attorney, AND

> If the Statement of Use complies with the Trademark Act

ISSUE A CERTIFICATE OF REGISTRATION

Quick Reference Guide to Filing a U.S. Trademark Application

BASIS FOR FILING AN APPLICATION: An application may be based on one or more of the following:

1. Use of the mark in a type of commerce that may be regulated by Congress.
2. A *bona fide* intent to use the mark in a type of commerce that may be regulated by Congress. (*Effective November 16, 1989*)
3. Ownership of an application or registration in a foreign country.

Note: "Use in commerce" and "*bona fide* intention to use in commerce" may not be combined as bases for filing an application.

REQUIREMENTS FOR RECEIVING A FILING DATE:

1. A written application in the English language containing the following information:
   - Applicant's name, current address, and citizenship, (*State or country of incorporation or location of partnership*)
   - Identification of the goods or services covered, (*Specify actual goods and/or nature of services performed*)
   - Verification of the facts contained in the application, signed by the applicant.
2. A drawing of the mark. (*Word marks must be typewritten in CAPITAL letters and design marks must be in black ink on white paper and be no larger than four inches by four inches. The drawing page must include the appropriate heading.*)
3. A filing fee of $175.00. (*The filing fee is $175.00 for each separate class of goods or services in the application.*)

Applications based on use in commerce must also provide:

4. A statement specifying the date of first of the mark and the date of first use of the mark in commerce.

5. At least one specimen, or photograph or photocopy of the mark as used in connection with the goods or services.

Applications based on an intent to use in commerce must also provide:

4. A statement setting forth the applicant's *bona fide* intention to use the mark in commerce.

NOTE: No specimens are required for an intent to use application.

Applications based on a foreign application or registration must also provide:

4. A statement setting forth the applicant's *bona fide* intention to use the mark in commerce.

5. For applications based on the filing of a foreign application and claiming a right of priority, the country of filing, the application number and date of the filing must be provided, and the application must be filed in the U.S. within six months of the foreign filing.

6. For applications based on a foreign registration, a certification or a certified copy of the foreign registration must accompany the application.

NOTE: No specimens are required for an application based on a foreign application or registration.

- NOTE -

Application forms and a booklet entitled "**Basic Facts about Trademarks,**" containing information concerning all materials which must be filed with the application, may be obtained by writing to:

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
Washington, D.C. 20231

Or by calling: (703) 557-INFO

The attached PTO fee schedule has been revised to reflect several recent changes. This schedule replaces the yellow copy initially distributed in April 1989.

The changes are summarized as follows:

1. Updated Federal Register and Official Gazette references.

2. Three newly established Trademark Intent-to-Use fees, (316, 317, & 318), effective November 16, 1989.

3. Three newly established patent petition fees, (180, 181, & 182), effective January 16, 1990.

4. Revision of the amount for fee code 530 for handling incomplete or improper applications under §1.53, and now also including such applications filed under §1.60 and §1.62, effective January 16, 1990.

5. Three newly established patent service fees, (550, 551, & 552), related to public use of APS-Text in the Public Search Room, effective February 12, 1990.

6. Two newly established trademark service fees (411 & 412) related to public use of T-SEARCH in the Trademark Public Search Room. *While the effective date for both fees is February 12, 1990, the implementation date for collecting a fee for use of T-Search terminals (411) has not been established. Collection of the fee for printed pages (412) will begin on February 12, 1990.*

7. The PCT fees to WIPO and EPO (800, 801, 802, & 803), revised in accordance with 1109 O.G. 40, dated December 26, 1989.

8. The description of fee code 301, is amended to add, "..., including intent to use".

Please note that except for these items, no other fees have been changed.

U. S. PATENT AND TRADEMARK OFFICE

Effective April 17, 1989, Revised February 1, 1990

As this fee sheet is a summary, you should refer to Federal Register notice published on February 15, 1989, at 54 FR 6893, and corrections published on February 24, 1989 at FR 8053 and on March 7, 1989 at FR 9431. (See also 1100 Official Gazette 7.); Federal Register notice published on September 11, 1989 at FR 37562, (See also 1107 Trademark Official Gazette 29.); Federal Register notice published on November 15, 1989 at FR 47515, (See also 1109 Official Gazette 6.); Federal Register notice published on December 11, 1989 at FR 50942, and corrections published on December 15, 1989 at FR 51550. (See also 1110 Official Gazette 601.); and see 1109 Official Gazette 40.

For additional information, please contact the PTO Public Service Center at (703) 557-5168.

PATENT FEES

37 CFR	FEE CODE	DESCRIPTION	REVISED FEE
Group 1 - Patent Filing Fees			
1.16(a)	101	BASIC FILING FEE - UTILITY	370.00
1.16(b)	102	INDEPENDENT CLAIMS IN EXCESS OF THREE	36.00
1.16(c)	103	CLAIMS IN EXCESS OF TWENTY	12.00
1.16(d)	104	MULTIPLE DEPENDENT CLAIM	120.00
1.16(e)	105	SURCHARGE - LATE FILING FEE OR OATH/DECL.	120.00
1.16(f)	106	DESIGN FILING FEE	150.00
1.16(g)	107	PLANT FILING FEE	250.00
1.16(h)	108	REISSUE FILING FEE	370.00
1.16(i)	109	REISSUE INDEPENDENT CLAIMS OVER PATENT	36.00
1.16(j)	110	REISSUE CLAIMS IN EXCESS OF TWENTY & PATENT	12.00
1.17(k)	139	NON-ENGLISH SPECIFICATION	30.00
Group 2 - Small Entity Patent Filing Fees			
1.16(a)	201	BASIC FILING FEE - UTILITY	185.00
1.16(b)	202	INDEPENDENT CLAIMS IN EXCESS OF THREE	18.00
1.16(c)	203	CLAIMS IN EXCESS OF TWENTY	6.00
1.16(d)	204	MULTIPLE DEPENDENT CLAIM	60.00
1.16(e)	205	SURCHARGE - LATE FILING FEE OR OATH	60.00
1.16(f)	206	DESIGN FILING FEE	75.00
1.16(g)	207	PLANT FILING FEE	125.00
1.16(h)	208	REISSUE FILING FEE	185.00
1.16(i)	209	REISSUE INDEPENDENT CLAIMS OVER PATENT	18.00
1.16(j)	210	REISSUE CLAIMS IN EXCESS OF TWENTY & PATENT	6.00
Group 3 - Patent Extension Fees			
1.17(a)	115	EXTENSION - ONE MONTH	62.00
1.17(b)	116	EXTENSION - TWO MONTHS	180.00
1.17(c)	117	EXTENSION - THREE MONTHS	430.00
1.17(d)	118	EXTENSION - FOUR MONTHS	680.00
Group 4 - Small Entity Patent Extension Fees			
1.17(a)	215	EXTENSION - ONE MONTH	31.00
1.17(b)	216	EXTENSION - TWO MONTHS	90.00
1.17(c)	217	EXTENSION - THREE MONTHS	215.00
1.17(d)	218	EXTENSION - FOUR MONTHS	340.00
Group 5 - Patent Appeals/Interference Fees			
1.17(e)	119	NOTICE OF APPEAL	140.00
1.17(f)	120	FILING A BRIEF	140.00
1.17(g)	121	REQUEST FOR ORAL HEARING	120.00
Group 6 - Small Entity Patent Appeals/Interference Fees			
1.17(e)	219	NOTICE OF APPEAL	70.00
1.17(f)	220	FILING A BRIEF	70.00
1.17(g)	221	REQUEST FOR ORAL HEARING	60.00
Group 7 - Patent Petition Fees			
		PETITIONS TO THE COMMISSIONER:	
1.17(h)	122	- NOT ALL INVENTORS; NOT THE INVENTOR	120.00
1.17(h)	123	- CORRECTION OF INVENTORSHIP IN APPL.	120.00
1.17(h)	124	- NOT PROVIDED FOR QUESTIONS	120.00
1.17(h)	125	- SUSPEND RULES	120.00
1.17(h)	160	- EXPEDITED LICENSE	120.00
1.17(h)	161	- CHANGE SCOPE OF LICENSE	120.00
1.17(h)	162	- RETROACTIVE LICENSE	120.00
1.17(h)	163	- REFUSING MAINTENANCE FEE	120.00
1.17(h)	164	- REINSTATEMENT OF EXPIRED PATENT	120.00
1.17(h)	165	- INTERFERENCE	120.00
1.17(h)	166	- RECONSIDER INTERFERENCE PET. DECISION	120.00
1.17(h)	167	- LATE FILING OF INTERFERENCE SETTLEMENT	120.00
1.17(h)	168	- REFUSAL TO PUBLISH SIR	120.00
1.17(i)(1)	127	- ACCESS TO ASSIGNMENT RECORD	120.00

37 CFR	FEE CODE	DESCRIPTION	REVISED FEE
Group 7 - Patent Petition Fees (Continued)			
		PETITIONS TO THE COMMISSIONER:	
1.17(i)(1)	128	- ACCESS TO APPLICATION	120.00
1.17(i)(1)	129	- LATE PRIORITY PAPERS	120.00
1.17(i)(1)	131	- SUSPEND ACTION	120.00
1.17(i)(1)	132	- DIVISIONAL REISSUES	120.00
1.17(i)(1)	133	- ACCESS TO INTERFERENCE AGREEMENT	120.00
1.17(i)(1)	134	- AMENDMENT AFTER ISSUE FEE PAID	120.00
1.17(i)(1)	135	- WITHDRAWAL FROM ISSUE	120.00
1.17(i)(1)	136	- DEFER ISSUE	120.00
1.17(i)(1)	137	- ISSUE TO LATE RECORDED ASSIGNEE	120.00
1.17(i)(1)	180	- TO ACCORD A FILING DATE ON APPL FILED § 1.53	120.00
1.17(i)(1)	181	- TO ACCORD A FILING DATE ON APPL FILED § 1.60	120.00
1.17(i)(1)	182	- TO ACCORD A FILING DATE ON APPL FILED § 1.62	120.00
1.17(i)(2)	130	PET. TO COMM. TO MAKE APPLICATION SPECIAL	80.00
1.17(j)	138	PET. TO COMM. - PUBLIC USE PROCEEDING	1,200.00
1.17(l)	140	PET. - TO REVIVE ABAND. APPL. - UNAVOIDABLE	62.00
1.17(m)	141	PET. - TO REVIVE ABAND. APPL. - UNINTENTIONAL	620.00
1.20(b)	146	PETITION - CORRECTION OF INVENTORSHIP IN PATENT	120.00
Group 8 - Small Entity Patent Petition Fees			
1.17(l)	240	PET. - REVIVE ABAND. APPL. - UNAVOIDABLE	31.00
1.17(m)	241	PET. - REVIVE ABAND. APPL. - UNINTENTIONAL	310.00
Group 9 - Patent Issue Fees			
1.18(a)	142	UTILITY ISSUE FEE	620.00
1.18(b)	143	DESIGN ISSUE FEE	220.00
1.18(c)	144	PLANT ISSUE FEE	310.00
1.20(d)	148	STATUTORY DISCLAIMER	62.00
Group 10 - Small Entity Patent Issue Fees			
1.18(a)	242	UTILITY ISSUE FEE	310.00
1.18(b)	243	DESIGN ISSUE FEE	110.00
1.18(c)	244	PLANT ISSUE FEE	155.00
1.20(d)	248	STATUTORY DISCLAIMER	31.00
Group 11 - Patent Post-Allowance Fees			
1.17(n)	112	SIR - PRIOR TO EXAMINER'S ACTION	400.00 *
1.17(o)	113	SIR - AFTER EXAMINER'S ACTION	800.00 *
1.20(a)	145	CERTIFICATE OF CORRECTION	60.00
1.20(c)	147	REEXAMINATION	2,000.00
1.20(n)	111	EXTENSION OF TERM OF PATENT	600.00
Group 12 - Patent Maintenance Fees - Applications Filed December 12, 1980 - August 26, 1982			
1.20(e)	170	DUE AT 3.5 YEARS	245.00
1.20(f)	171	DUE AT 7.5 YEARS	495.00
1.20(g)	172	DUE AT 11.5 YEARS	740.00
1.20(k)	176	SURCHARGE - LATE PAYMENT WITHIN SIX MOS.	120.00
Group 13 - Patent Maintenance Fees - Applications Filed On Or After August 27, 1982			
1.20(h)	173	DUE AT 3.5 YEARS	490.00
1.20(i)	174	DUE AT 7.5 YEARS	990.00
1.20(j)	175	DUE AT 11.5 YEARS	1,480.00
1.20(l)	177	SURCHARGE - LATE PAYMENT WITHIN SIX MOS.	120.00
1.20(m)	178	SURCHARGE AFTER EXPIRATION	550.00
Group 14 - Small Entity Patent Maintenance Fees - Applications Filed On Or After August 27, 1982			
1.20(h)	273	DUE AT 3.5 YEARS	245.00
1.20(i)	274	DUE AT 7.5 YEARS	495.00
1.20(j)	275	DUE AT 11.5 YEARS	740.00
1.20(l)	277	SURCHARGE - LATE PAYMENT WITHIN SIX MOS.	60.00
Group 15 - Patent Service Fees			
1.19(a-1)	501	COPY OF PATENT	1.50
1.19(a-2)	503	COPY OF PLANT PATENT	10.00
1.19(a-3)	506	COPY OF OFFICE RECORDS, (each thirty pages)	10.00
1.19(a-4)	500	COPY OF UTILITY PATENT IN COLOR	20.00
1.19(a-5)	535	PATENT COPY - EXPEDITED SERVICE	3.00
1.19(a-6)	536	PATENT COPY EXPEDITED SERVICE VIA EOS	25.00
1.19(b-1)	504	COPY OF APPLICATION AS FILED, CERTIFIED	10.00
1.19(b-2)	505	COPY OF FILE WRAPPER, CERTIFIED	170.00
1.19(b-3)	533	COPY OF PATENT ASSIGNMENT, CERTIFIED	5.00
1.19(b-4)	537	CERT. COPY OF PATENT APPLICATION EXPEDITED	20.00
1.19(b-5)	508	CERTIFYING OFFICE RECORDS	3.00
1.19(b-6)	509	SEARCH OF RECORDS	15.00
1.19(c)	513	PATENT DEPOSITORY LIBRARY	50.00
1.19(d)	514	LIST OF PATENTS IN SUBCLASS	2.00
1.19(e)	528	UNCERTIFIED STATEMENT	5.00
1.19(f)	532	COPY OF NON-US DOCUMENT	10.00
1.19(g)	510	COMPARING COPIES PER DOCUMENT	10.00
1.19(h)	534	DUPLICATE OR CORRECTED FILING RECEIPT	15.00
1.21(c)	516	FILING A DISCLOSURE DOCUMENT	6.00
1.21(d)	522	BOX RENTAL	50.00
1.21(e)	526	INTERNATIONAL TYPE SEARCH REPORT	30.00
1.21(f)	517	SEARCHING, INVENTOR RECORDS, TEN YEARS	10.00
1.21(g)	524	COPISHARE CARD PER PAGE	0.15
1.21(h)	518	RECORDING PATENT ASSIGNMENT	8.00
1.21(i)	520	PUBLICATION IN OFFICIAL GAZETTE	20.00
1.21(j)	521	DUPLICATE USER PASS	10.00
1.21(k)	523	LOCKER RENTALS	0.25
1.21(k)	525	UNSPECIFIED OTHER SERVICES	AT COST
1.21(l)	529	RETAINING ABANDONED APPLICATION	120.00
1.21(n)	530	HANDLING FEE - INCOMPLETE OR IMPROPER APPL	20.00
1.21(o)	550	AUTOMATED PATENT SYSTEM (APS) TEXT TERMINAL SESSION TIME, PER HOUR	40.00
1.21(p)	551	PTO STAFF SEARCH ASSISTANCE USING APS, PER HR.	25.00
1.21(q)	552	COST FOR PRINTED PAGE FROM APS TEXT TERMINAL, PER PAGE	0.10
1.296	531	HANDLING FEE FOR WITHDRAWAL OF SIR	120.00
Group 16 - Patent Enrollment Service Fees			
1.21(a-1)	609	ADMISSION TO EXAMINATION	270.00
1.21(a-2)	610	REGISTRATION TO PRACTICE	90.00
1.21(a-3)	611	REINSTATEMENT TO PRACTICE	10.00
1.21(a-4)	612	COPY OF CERTIFICATE OF GOOD STANDING	10.00
1.21(a-4)	613	CERTIFICATE OF GOOD STANDING - FRAMING	100.00

* *Reduced by Filing Fee*

37 CFR	FEE CODE	DESCRIPTION	REVISED FEE
Group 17 - Patent PCT Fees - International Stage			
1.445(a-1)	150	TRANSMITTAL FEE	170.00
1.445(a-2)	151	PCT SEARCH FEE - NO U.S. APPLICATION	550.00
1.445(a-2)	153	PCT SEARCH - PRIOR U.S. APPLICATION	380.00
1.445(a-3)	152	SUPPLEMENTAL SEARCH PER ADDITIONAL INVENTION	150.00
1.482(a-1)	190	PRELIMINARY EXAM FEE - ISA WAS U.S.	400.00
1.482(a-1)	191	PRELIMINARY EXAM FEE - ISA NOT U.S.	600.00
1.482(a-2)	192	ADDITIONAL INVENTION - ISA WAS U.S.	130.00
1.482(a-2)	193	ADDITIONAL INVENTION - ISA NOT U.S.	200.00
Group 18 - Patent PCT Fees - National Stage			
1.492(a-1)	956	IPEA - U.S.	330.00
1.492(a-2)	958	INTERNATIONAL SEARCHING AUTHORITY - U.S.	370.00
1.492(a-3)	960	PTO NOT ISA OR IPEA	500.00
1.492(a-4)	962	CLAIMS MEET ART. 33(1)-(4) - IPEA - U.S.	50.00
1.492(b)	964	CLAIMS - EXTRA INDEPENDENT (over three)	36.00
1.492(c)	966	CLAIMS - EXTRA TOTAL (over twenty)	12.00
1.492(d)	968	CLAIMS - MULTIPLE DEPENDENT	120.00
1.492(e)	154	SURCHARGE - LATE FILING FEE OR OATH/DEC.	120.00
1.492(f)	156	ENGLISH TRANSL. - AFTER TWENTY MONTHS	30.00
Group 19 - Small Entity Patent PCT Fees - National Stage			
1.492(a-1)	957	IPEA - U.S.	165.00
1.492(a-2)	959	INTERNATIONAL SEARCHING AUTHORITY - U.S.	185.00
1.492(a-3)	961	PTO NOT ISA OR IPEA	250.00
1.492(a-4)	963	CLAIMS MEET ART. 33(1)-(4) - IPEA - U.S.	25.00
1.492(b)	965	CLAIMS - EXTRA INDEPENDENT (over three)	18.00
1.492(c)	967	CLAIMS - EXTRA TOTAL (over twenty)	6.00
1.492(d)	969	CLAIMS - MULTIPLE DEPENDENT	60.00
1.492(e)	254	SURCHARGE - LATE FILING FEE OR OATH/DEC.	60.00
Group 20 - Patent PCT Fees to WIPO			
	800	BASIC FEE (first thirty pages)	436.00
	801	BASIC SUPPLEMENTAL FEE (for each page over thirty)	9.00
	803	HANDLING FEE	134.00
		DESIGNATION FEE PER COUNTRY	106.00
Group 21 - Patent PCT Fees to EPO			
	802	INTERNATIONAL SEARCH	1,140.00

TRADEMARK FEES

37 CFR	FEE CODE	DESCRIPTION	REVISED FEE
Group 22 - Trademark Filing Fees			
2.6(a)	301	APPLICATION FOR REGISTRATION, INCLUDING INTENT TO USE, PER CLASS	175.00
Group 23 - Trademark Post Registration Fees			
2.6(b)	302	APPLICATION FOR RENEWAL, PER CLASS	300.00
2.6(s)	303	SPECIAL HANDLING FOR LATE RENEWAL	100.00
2.6(c)	304	PUBLICATION OF MARK UNDER §12c, PER CLASS	100.00
2.6(h)	309	FILING §8 AFFIDAVIT, PER CLASS	100.00
2.6(i)	310	FILING §15 AFFIDAVIT, PER CLASS	100.00
2.6(j)	311	FILING COMBINED §8 & 15 AFFIDAVIT, PER CLASS	200.00
Group 24 - Trademark Amended Registration Fees			
2.6(d)	305	ISSUING NEW CERTIFICATE OF REGISTRATION	100.00
2.6(e)	306	CERT. OF CORRECTION, REGISTRANT'S ERROR	100.00
2.6(f)	307	FILING DISCLAIMER TO REGISTRATION	100.00
2.6(g)	308	FILING AMENDMENT TO REGISTRATION	100.00
Group 25 - Trademark Petition Fee			
2.6(k)	312	PETITION TO THE COMMISSIONER, PER CLASS	100.00
Group 26 - Trademark Trial and Appeal Board Fees			
2.6(l)	313	PETITION FOR CANCELLATION, PER CLASS	200.00
2.6(l)	314	NOTICE OF OPPOSITION, PER CLASS	200.00
2.6(m)	315	EX PARTE APPEAL, PER CLASS	100.00
Group 27 - Trademark Service Fees			
2.6(n)	401	PRINTED COPY OF EACH REGISTERED MARK	1.50
2.6(o)	403	CERTIFY TM RECORDS, PER CERTIFICATE	3.50
2.6(p)	404	PHOTOCOPIES OF TM RECORDS, PER PAGE	0.30
2.6(q)	405	RECORDING ASSIGNMENT, PER MARK, PER DOCUMENT	8.00
2.6(r)	407	ABSTRACTS OF TITLE, PER REGISTRATION	12.00
2.6(n)	408	COPY OF REG. MARK WITH TITLE OR STATUS	6.50
2.6(o)	410	MAKE CERTIFICATION SPECIAL	25.00
2.6(t)	409	UNSPECIFIED OTHER SERVICES	AT COST
2.6(w)	411	EACH HOUR OF T-SEARCH TERMINAL SESSION TIME	40.00
2.6(x)	412	COST FOR PRINTED PAGE FROM T-SEARCH TERMINAL, PER PAGE	0.10
1.21(g)	424	COPISHARE CARD, PER PAGE	0.15
Group 28 - Trademark Intent to Use Fees			
2.6(u)	316	FILING AMENDMENT TO ALLEGE USE UNDER §1(c), PER CLASS	100.00
2.6(u)	317	FILING A STATEMENT OF USE UNDER §1(d)(1), PER CLASS	100.00
2.6(v)	318	FILING A REQUEST FOR SIX-MONTHS EXTENSION OF TIME FOR FILING A STATEMENT OF USE UNDER §1(d)(1), PER CLASS	100.00

GENERAL FEES

37 CFR	FEE CODE	DESCRIPTION	REVISED FEE
Group 29 - Finance Service Fees			
1.21(b-1)	607	ESTABLISH DEPOSIT ACCOUNT	10.00
1.21(b-2/3)	608	SERVICE CHARGE FOR BELOW MIN. BALANCE	20.00
1.21(m)	617	PROCESSING RETURNED CHECKS	50.00
Group 30 - Computer Service Fees			
	618	COMPUTER RECORDS	AT COST

Filing of Certain Papers and Authorizations to Charge Deposit Accounts by Facsimile Transmission

Effective November 1, 1988, certain papers to be filed in national patent applications and reexamination proceedings for consideration by the Office of the Assistant Commissioner for Patents, the Office of the Deputy Assistant Commissioner for Patents, and the Patent Examining Groups (Patent Examining Corps) may be submitted to the Patent and Trademark Office (PTO) by facsimile transmission.

The provision of 37 CFR 1.33(a), requiring signatures on amendments and other papers filed in applications, is hereby waived to the extent that a facsimile signature is acceptable. The paper that is used as the original for the facsimile transmission must have an original signature, and should be retained by applicant or the representative as evidence of the content of the facsimile transmission. No special format, addressing information or written ratification is required for facsimile transmissions. However, the paper size must be 8 1/2" by 14" or smaller to be accepted.

A facsimile center has been established in the Patent Examining Corps to receive and process submissions. The filing date accorded the submission will be the date the complete transmission is received by the PTO facsimile unit unless that date is a Saturday, Sunday or Federal holiday within the District of Columbia, in which case the official date of receipt will be the next business day.

Each transmission session must be limited to papers to be filed in a single national patent application or reexamination proceeding. It is recommended that the Serial Number of the application or Control Number of the reexamination be entered as a part of the sender's identification, if possible. It is also recommended that the sending facsimile machine generate a report confirming transmission for each transmission session. The transmitting activity report should be retained along with the paper used as the original.

The papers, including authorizations to charge deposit accounts, which may be submitted using this procedure, are limited to those which may be filed in national patent applications and reexamination proceedings and which are to be considered by the PTO organizations named above. Examples of such papers are amendments, responses to restriction requirements, requests for reconsideration before the examiner, petitions, terminal disclaimers, powers of attorney, notices of appeal and appeal briefs.

New or continuing patent applications of any type, assignments, issue fee payments, maintenance fee payments, declarations or oaths under 37 CFR 1.63 or 1.67, and formal drawings are excluded, as are all papers relating to international patent applications. Papers to be filed in applications that are subject to a secrecy order under 37 CFR 5.1 - 5.8, and directly related to the secrecy order content of the application, are also excluded. Informal communications between applicant and the examiner, such as proposed claims for interview purposes, are permissible and are encouraged. Informal communications from applicants will not be made of record in the application or reexamination and must be clearly identified as informal such as by including the word "DRAFT" on each paper. To facilitate informal communications from examiners, applicants are encouraged to supply their facsimile phone numbers on communications to the Office.

The facsimile submissions may include a certificate for each paper stating the date of transmission. A copy of the facsimile submission with a certificate attached thereto will be evidence of transmission of the paper should the original be misplaced. The person signing the certificate should have a reasonable basis to expect that the paper would be facsimile transmitted on the date indicated. An example of a preferred certificate is:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

_____
Type or print name of person signing certification

_____ _____
Signature Date

When possible, the certification should appear on a portion of the paper being transmitted. If the certification is presented on a separate paper, it must identify the application to which it relates, and the type of paper being transmitted; e.g., amendment, notice of appeal, etc.

In the event that the facsimile submission is misplaced or lost in the PTO, the submission will be considered filed as of the date of the transmission, if the party who transmitted the paper:

(1) Informs the PTO of the previous facsimile transmission promptly after becoming aware that the submission has been misplaced or lost;

(2) Supplies another copy of the previously transmitted submission with the Certification of Transmission; and

(3) Supplies a copy of the sending unit's report confirming transmission of the submission. In the event that a copy of the report is not available, the party who transmitted the paper may file a declaration under 37 CFR 1.68 which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely transmission.

If all criteria above cannot be met, the PTO will require applicant to submit a verified showing of facts. Such a showing must show to the satisfaction of the Commissioner the date the PTO received the submission.

The facsimile center will have five facsimile units and will be staffed during the business hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays. Although the units may normally be accessed at all times, including non-business hours, there may be times when reception is not possible due to equipment failure or maintenance requirements. Accordingly, applicants are cautioned not to rely on the availability of this service at the end of response periods.

The telephone number for accessing the facsimile machines is (703) 557-9564. In the event that the transmission cannot be accepted at the telephone number above, a backup number has been established at (703) 557-9567. The facsimile center staff can be reached at telephone number (703) 557-4277 during normal business hours.